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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,446	10/31/2001	Richard Paul Tarquini	10016591-1	2400

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EXAMINER

LASHLEY, LAUREL L

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/001,446	Applicant(s) TARQUINI ET AL.	
	Examiner Laurel Lashley	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 11-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to amendments received 12/23/2005.

Response to Arguments

2. Applicant's arguments/amendments with respect to previously presented claims 2 – 4, and 6 – 10, amended claims 1 and 5, and withdrawn claims 11 – 17, filed December 23, 2005 have been fully considered (MPEP 714.04; 37 CFR 1.111) but they are not persuasive. Amendments to claims 1 and 5 have been accepted and therefore the objection and rejection are withdrawn. The Examiner would like to point out that this action is made final (see MPEP 706.07a).

With regard to applicant's argument that Holloway et al. does not suggest, "at least one of the nodes having an identification assigned thereto based on a logical assignment grouping one or more of the plurality of nodes, each node sharing an identification being commonly vulnerable to at least one network exploit", Examiner respectfully disagrees. The Examiner believes a hub to be a device that connects several other devices or nodes (e.g. computers) to a network. Therefore it would be inherent in Holloway et al. that each hub links a grouping of nodes within the campus LAN environment. The logical assignment of such nodes is first by building (i.e. administration building and dormitory) then by floors and department. The hub of each nodes is understood to be the common identification/access point for which vulnerability would be shared (see Figure 16 and column 15, lines 47 - 67).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 –10 are rejected under 35 U.S.C. 102(b) as being anticipated by Holloway, et al. in US Patent 5,905,859 (hereinafter US '859).

As it pertains to Claim 1, US '859 teaches:

A network having an intrusion protection system (*see column 2, lines 54 – 55*), comprising:

a network medium (*see column 17, lines 66 – 67*);

a management node connected to the network medium and running an intrusion prevention system management application (*see column 18, lines 32 – 33; where the network management station is the management node and it is inherent that a detection means application is running*); and

a plurality of nodes connected to the network medium and running an instance of an intrusion protection system application (*see Figure 16; where each managed hub signifies a node*), at least one of the nodes having an identification assigned thereto based on a logical assignment grouping one or more of the plurality of nodes, each node sharing an identification being commonly vulnerable to at least one network exploit (*see column 3, lines 4 – 5; where the MAC address is the ID and each node has an authorized address*).

For Claim 2, US '859 teaches:

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The network according to claim 1, wherein the management node is operable to originate a security update that is transmitted to each node sharing the identification, any remaining nodes not sharing the identification being excluded from receiving the update (*see column 8, lines 8 – 10; where each nodes copies the group address*).

For Claim 3, US '859 teaches:

The network according to claim 1, wherein a plurality of identifications are respectively assigned to one or more of the plurality of nodes (*see Figure 16; where each hub is in a differing location that can be used as a form of identification (e.g. building, department, floor)*).

For Claim 4, US '859 teaches:

The network according to claim 1, wherein the identification is an Internet Protocol multicast group identification (*see column 2, line 61; where the ID is a multicast/group address also referred to as the LAN security feature group address*).

For Claim 5, US '859 teaches:

The network according to claim 2, further comprising:

a plurality of network mediums (*see column 17, lines 66 – 67*); and

at least one router (*see Figure 16*), the management node and the plurality of nodes each respectively connected to one of the plurality of network mediums in the network, the router disposed intermediate the plurality of network mediums and operable to forward the security update from the network medium having the management node connected thereto to any nodes connected to the remaining network mediums and sharing the identification (*see column 15, lines 34 – 38*).

For Claim 6, US '859 teaches:

The network according to claim 5, wherein the router determines whether any of the plurality of nodes connected to the remaining network mediums share the identification through implementation of the Internet group management protocol (*see column 15, lines 30 – 32*).

For Claim 7, US '859 teaches:

The network according to claim 1, wherein the network medium is an Ethernet (*see column 15, lines 50 – 51*).

For Claim 8, US '859 teaches:

The network according to claim 1, further comprising a network-based intrusion protection system appliance dedicated to filtering inbound and outbound data frames transmitted across the network medium (*see column 18, lines 10 – 13; where the discovery request/response frames act as inbound and outbound frames*).

For Claim 9, US '859 teaches:

The network according to claim 8, wherein the network-based intrusion protection system appliance interfaces with the network medium via a network interface card operating in promiscuous mode (*see Figure 3 and column 5, line 16*).

For Claim 10, US '859 teaches:

The network according to claim 8, wherein the network-based intrusion protection system appliance shares the identification (*see column 18, lines 1 – 4; where a list is maintained*).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel Lashley whose telephone number is 571-272-0693. The examiner can normally be reached on Monday - Thursday, alt Fridays btw 7:30 am & 5 pm.

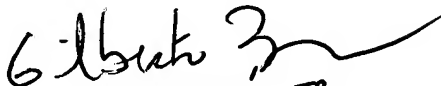
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, Jr. can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laurel Lashley
Examiner
Art Unit 2132

 14 March 2006
LLL


GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100